IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

-

WRIT APPEAL No.1501 OF 2005

Between:

The Depot Manager, APSRTC,

Jangareddygudem, West Godavari Dist.

..... APPELLANT

AND

Samarla Koteswara Rao, S/o.Late Sri Ramulu,

Ex.Leading Hand, Jangareddygudem,

Western Street, Gajulavari Street,

Eluru (PO), West Godavari Dist.

And another.

....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

-

WRIT APPEAL No.1501 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by an order in Writ Petition No.4851 of 2002, dated 06.04.2005, the unsuccessful petitioner preferred the present appeal.

The petitioner is a statutory Corporation and the 1st respondent is working in the said Corporation. On an allegation that on 24.11.1995, the respondent was caught red-handed and found to have committed theft of cable wire made of copper of 2.5 metres length. The respondent was charge-sheeted and an enquiry was conducted by the appellant. The respondent was found guilty in the said enquiry, and therefore, he was removed from service by an order dated 29.08.1986. Challenging the same, the respondent preferred an appeal to the appellate authority created under the statute, which was also rejected by an order dated 06.01.1997. Subsequently, the respondent raised an industrial dispute vide I.D.No.328 of 1998. The Industrial Tribunal-cum-Labour Court, Guntur, recorded a categoric finding that there is no evidence on record to establish the guilt of the respondent, and therefore, the order of removal is set aside and the appellant was directed to reinstate the respondent into service with full back wages.

Aggrieved by the same, the appellant herein preferred the above-mentioned writ petition, which came to be dismissed by the order under challenge in this appeal.

No material is brought to the notice of this Court either on fact or in law warranting interference of the appellate jurisdiction. On the face of the finding of fact, there is no material warranting the removal of the respondent from service.

The appeal is therefore dismissed at the stage of admission itself. There shall be no

order as to costs.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

13th MARCH, 2006

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.1501 OF 2005

(Per Sri Justice J.Chelameswar)

13th MARCH, 2006